United Nations A/65/380–S/2010/484

General Assembly
Security Council

Distr.: General
17 September 2010

Original: English

General Assembly
Sixty-fifth session
Agenda items 36 and 37

The situation in the Middle East

Question of Palestine

Security Council
Sixty-fifth year

Peaceful settlement of the question of Palestine

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 64/19. It contains replies received from the parties concerned to the notes verbales sent by the Secretary-General pursuant to the request contained in paragraph 24 of the resolution. The report also contains the observations of the Secretary-General on the current state of the Israeli-Palestinian conflict and on international efforts to move the peace process forward with a view to achieving a peaceful settlement. The report covers the period from September 2009 through August 2010.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 64/19.

2. On 1 July 2010, pursuant to the request contained in paragraph 24 of the above-mentioned resolution, I addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 64/19, which the General Assembly adopted on 2 December 2009, at its sixty-fourth session, under the agenda item 'Question of Palestine'.
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> "Paragraph 24 of the resolution '*Requests* the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, towards the attainment of a peaceful settlement of the question of Palestine and the promotion of peace in the region and to submit to the General Assembly at its sixty-fifth session a report on these efforts and on developments on this matter'.
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> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would kindly convey to me the views of the Security Council by 31 July 2010."

3. As of 31 August, no response had been received to that request.

4. In a note verbale dated 3 May 2010 to the parties concerned, I sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the Palestine Liberation Organization, regarding any steps taken by them to implement the relevant provisions of the resolution. As at 31 August 2010, replies had been received from Israel and the Palestine Liberation Organization. The note verbale dated 20 July 2010 from the Permanent Mission of Israel to the United Nations reads as follows:

> "As shown in the meeting records, Israel voted against this resolution, as it has done on similar resolutions adopted in the past by the General Assembly. The Permanent Mission of Israel wishes to reiterate the considerations guiding this voting practice, in light of the current situation.
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> "Despite significant efforts made on the part of the Government of Israel in the past year to renew negotiations with the Palestinian Authority and to foster conditions for economic growth and development, Palestinian terrorism continued and remains an alarming reality.
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> "Terrorist organizations in the West Bank remain active in planning, preparing and attempting to execute terrorist attacks. In 2009, 646 terrorist attacks emanated from or were carried out in the West Bank, leading to five deaths (three victims were shot and two were attacked and stabbed to death). These attacks were carried out in all potential forms and on all fronts, particularly by Hamas.
>
> "The first half of 2010 witnessed an alarming escalation in terrorist activity against Israeli targets in the West Bank and the Jerusalem area. In the first two months of 2010, 87 terrorist attacks were carried out in the West Bank. In February 2010, an Israeli citizen was stabbed to death in one of these

attacks. In March 2010, 89 attacks were recorded in the West Bank and Jerusalem: three explosive devices, five attacks by gunfire, two stone-throwing attacks, and 79 Molotov cocktails.

"In 2009, 699 terrorist attacks emanated from the Gaza Strip, killing nine Israeli citizens. In January 2009, an Israeli citizen was killed by detonation of an explosive device. In January and February 2010, 45 terrorist attacks were carried out from Gaza, including 18 rockets and 33 mortar bombs. In March 2010, there was a disturbing increase in terrorist activity, and 36 attacks were recorded. Three victims were murdered in these attacks — two Israeli soldiers and a Thai worker. In addition, two Israelis were wounded in these attacks. The rocket and mortar attacks against Israel in the past year are a continuation of a nine-year-long terrorist campaign in which many thousands of such projectiles have been launched at Israeli civilian centres from Gaza.

"Concomitant with the Palestinian terrorist campaign against Israel, the Palestinian Authority has continued in its campaign of incitement designed to legitimize terrorism. In open breach of their road map obligations, senior Palestinian officials have been directly involved in glorification of terrorists who are responsible for the murders of scores of Israeli civilians. Recent examples of how the Palestinian Authority has institutionalized incitement by turning terrorists into role models include the recent naming of a Ramallah street after arch-terrorist Yehieh Ayash, and the naming of a Ramallah square, a number of schools, community and youth centres, sports tournaments and numerous additional facilities after Dalal Mughrabi, who led an infamous terrorist attack that killed 37 Israeli civilians.

"Hamas, entrenched in Gaza with the support of Iran, continues to stockpile weapons of ever-increasing lethality and range, operating a full-fledged weapons-smuggling operation through the extensive tunnel network running under the Egypt-Gaza border.

"In addition, Hamas has been holding kidnapped Israeli Corporal Gilad Shalit incommunicado for over three years, violating basic humanitarian practice of permitting international humanitarian personnel access to the captive. The Hamas regime continues to reject the Quartet conditions, persists adamantly in its calls for Israel's destruction and remains vigilant in its commitment to seeing this grim vision through. It is disturbing that resolution 64/19 makes no mention of any of the above.

"Notwithstanding this concerted and enduring campaign of violence and incitement, and testifying to Israel's commitment to humanitarian principles even in the face of it, Israel continues to facilitate the entry of large quantities of humanitarian supplies into Gaza. In 2009, 738,576 tons (30,576 trucks) of humanitarian commodities were transferred to the Gaza Strip. In January and February 2010, 92,138.1 tons (4,056 trucks) were transferred. In 2009, 22,849 Palestinians exited the Strip, among them 10,544 patients and their companions, exiting for medical treatment in Israel. In 2009, 21,200 international organization staff members entered the Gaza Strip. In addition, numerous infrastructural projects have been advanced, including in the fields of housing, classrooms, sewage treatment plants and medical facilities. In this regard, in anticipation of winter, 3,607 tons of glass (103 truckloads) were transferred to Gaza in late 2009. Also, in the first quarter of 2010, 23 tons of

iron and 25 tons of cement were transferred to the Gaza Strip from Israel, with an additional 39 tons of building material in May 2010.

"In addition, the Government of Israel has authorized a major easing of security-related restrictions in the West Bank. Since 2008, the number of key checkpoints has been reduced from 41 to 14. Since April 2008, 357 obstacles (earth mounds, road blocks) have been removed. In January 2010, 10 roadblocks were removed on Route 60, the major North-South artery in the West Bank. Generally, movement from North to South in the West Bank is now smooth, with only a few checkpoints along the way, operated as normally open. These and other positive developments have resulted in an economic growth rate of 8 per cent in the West Bank in 2009, accompanied by a growth in foreign investment of 600 per cent since 2008.

"Over the course of the previous year, the Government of Israel repeatedly extended an open invitation to restart peace talks with the Palestinian Authority. Guiding Israel in this respect is a vision of a reinvigorated political process alongside continued and expanded efforts to foster economic cooperation and development. The launching of proximity talks between the sides in May 2010 is an encouraging development which will hopefully spawn the renewal of direct negotiations aimed at achieving a comprehensive resolution of the conflict.

"Despite an ongoing and acute threat to its security, Israel has gone to great lengths to assist in extending humanitarian assistance, to foster conditions for Palestinian economic development and cooperation, and to engage in political dialogue with the Palestinian Authority. While these overtures have yet to achieve their goal of reaching comprehensive and lasting peace, it is surprising that they are given no mention in resolution 64/19.

"Thus, resolution 64/19 joins the numerous one-sided resolutions passed annually by the General Assembly on Israel which serve to undermine the credibility of the United Nations as an impartial agent for the advancement of peace. The Permanent Mission takes this opportunity to urge the Secretary-General to use his good offices to encourage a cessation of this counterproductive practice."

5. The note verbale dated 24 June 2010 from the Permanent Observer of Palestine to the United Nations reads as follows:

"Palestine regards the General Assembly's resolution on the 'Peaceful settlement of the question of Palestine' with utmost importance. The annual adoption of this resolution and numerous other resolutions regarding the question of Palestine in the various organs of the United Nations, the ongoing efforts by relevant committees and commissions, including, inter alia, the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the many programmes of assistance by the specialized agencies, including in particular the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and the efforts of the Secretary-General, his Special Representatives, the United Nations High Commissioner for Human Rights and the Special Rapporteurs are reflective of the priority that continues to be rightly given to this question by the international community. We believe the efforts of the United Nations system in all fields to be invaluable and

consistent with the permanent responsibility of the United Nations towards the question of Palestine until it is satisfactorily and justly resolved in all its aspects, a principle reaffirmed annually by the Assembly. We urge full activation of this responsibility towards resolving the Israeli-Palestinian conflict in accordance with its relevant resolutions, the Charter and international law.

"In this regard, the resolution on the 'Peaceful settlement of the question of Palestine' comprehensively delineates the parameters for achieving a just, lasting and peaceful settlement based on international law, relevant United Nations resolutions, and the established principles and agreed terms of reference of the peace process, including Security Council resolutions 242 (1967) and 338 (1973), the Madrid terms of reference, including the land for peace principle, the Arab Peace Initiative and the Quartet road map. As is clear from consecutive General Assembly session voting records, the overwhelming majority of States support the provisions and goals of this resolution, which from the outset reaffirms 'the necessity of achieving a peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, in all its aspects, and of intensifying all efforts towards that end'.

"This is reflective of the firm international consensus that exists in support of a peaceful settlement on the basis of the 'two-State solution' of an independent, viable and contiguous State of Palestine, living side by side with Israel in peace and security on the basis of the pre-1967 borders, with Jerusalem as the shared capital of two States, and a just solution for the plight of the Palestine refugees on the basis of General Assembly resolution 194 (III) of 11 December 1948. This international unanimity reflects the long-standing recognition of the Palestinian people as a nation and recognition of their inalienable rights, including their right to self-determination and independence in their homeland. As is well known, this solution finds its foundation in resolution 181 (II) of 29 November 1947, and has been reaffirmed and called for thereafter in numerous Security Council and General Assembly resolutions, as well as in the landmark 9 July 2004 advisory opinion of the International Court of Justice. The two-State solution is also at the crux of the Arab Peace Initiative and the Quartet road map, both of which figure prominently in resolution 64/19 and for which the Assembly calls for regional and international efforts to follow up and promote, and both of which the Palestinian leadership has consistently strived to adhere to and to implement.

"We are gratified that the international consensus has been further consolidated in the past year with increasing calls from all corners of the international community, governmental and civil society alike, for a just solution to the Israeli-Palestinian conflict as a matter of urgency. The calls have been consistent for bringing an end to the Israeli occupation of the Palestinian territory, including East Jerusalem, in order to end this tragic conflict and make peace and security a reality in the Middle East and beyond. Strengthening of the international consensus and the rising momentum in this regard can be found in the support for resolution 64/19 as well as in many statements and declarations made at the United Nations and in other international forums by leaders and representatives of Member States, individually and collectively, including the European Union (EU) Council Conclusions on the Middle East Peace Process of 8 December 2009, the

Quartet statement adopted on 19 March 2010 in Moscow, and relevant statements by States members of the Non-Aligned Movement (NAM) and the Organization of the Islamic Conference (OIC), among others. It is also reflected in the active efforts by the United States of America to revive the peace process through the launch of 'proximity talks', with the support of the other Quartet members (European Union, Russian Federation and United Nations), the League of Arab States and the international community as a whole.

"Regrettably, however, despite the unanimity and serious efforts being exerted, the question of Palestine remains unresolved and the situation on the ground remains critical and cause for alarm. In the period since the adoption of resolution 64/19, all international and regional initiatives for peace continue to be undermined by Israel's ongoing violations and grave breaches of international law, including humanitarian and human rights law, and its disrespect for United Nations resolutions and the will of the international community. Hopes are waning and despair rising as Israel, the occupying Power, persists with its acts of aggression, colonization, collective punishment, provocation and incitement against the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem. Attempts to revive the peace process and the Palestinian leadership's commitment to peace continued to be responded to by Israel with intransigence and defiance, undoubtedly bolstered by the international community's repeated failure to uphold its legal obligations and responsibilities to act to compel Israel to cease its violations and truly choose the path of peace.

"The pattern has become blatantly clear: it is one in which Israel, the occupying Power, continues to aggressively and systematically violate international law and the international community remains unable to rein in this impunity and to ensure compliance with the law, deepening the suffering and injustice endured by the Palestinian people and sabotaging peace efforts. Countless United Nations and international reports, including by United Nations agencies on the ground such as UNRWA, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations Special Coordinator for the Middle East Peace Process, the United Nations Children's Fund and the United Nations Development Programme among others, provide ample evidence of the continuation of Israel's unlawful practices in the Occupied Palestinian Territory, including East Jerusalem, and their deleterious impact on the Palestinian people and on the efforts to promote a just and lasting peace. Rather than acting in good faith, including in the context of the United States-mediated proximity talks, Israel has instead persisted with policies intended to prejudice the outcome of negotiations on the core issues — Jerusalem, settlements, refugees, borders, security and water. This has, in turn, exacerbated conditions on the ground, undermined confidence, deepened mistrust, and obstructed resumption of the peace process, seriously calling into question Israel's credibility as a peace partner and its commitment to the two-State solution and even its standing as a State Member of the United Nations, the resolutions of which it continues to flagrantly ignore and violate.

"In this regard, Israel has continued its illegal colonization campaign aimed at altering the demographic composition, legal status, character and geographic nature of the Occupied Palestinian Territory, including East

Jerusalem, to facilitate its de facto annexation of more Palestinian land. The occupying Power has also continued to commit other violations, foremost among them the imposition of severe measures of collective punishment, seriously infringing on and violating the human rights of the Palestinian civilian population, impairing all aspects of life and causing constant humiliation, hardship and instability. The situation is most dire in the occupied Gaza Strip, where 1.5 million Palestinians — approximately 70 per cent of whom are refugees and over 50 per cent of whom are children — remain imprisoned by Israel's illegal blockade, imposed by land, air and sea and now in its fourth year. These Israeli policies constitute gross violations of international law, including war crimes against the Palestinian people, for which Israel must be held fully accountable if justice is ever to prevail and peace to be attained.

"A brief description of this twofold Israeli policy of colonization and oppression over the past year in the Occupied Palestinian Territory, including East Jerusalem, is necessary for understanding the grave situation on the ground and the failure of recent peace initiatives. In the Occupied West Bank, the Palestinian people continue to suffer from Israel's illegal colonization of their land and its consequences. In violation of the demand made by the Assembly in resolution 64/19 for, inter alia, the complete cessation of all Israeli settlement activities and all measures contrary to international law and any unilateral actions aimed at prejudging the final outcome of negotiations, Israel has continued confiscation of Palestinian property, settlement and Wall construction, transfer of settlers, home demolitions and evictions, excavations near and around holy and historic sites, and imposition of over 500 checkpoints and obstacles to free movement.

"Occupied East Jerusalem in particular has remained a main target of this aggressive Israeli colonization policy. The past year has witnessed the intensification of the demolition of Palestinian homes in East Jerusalem, rendering hundreds more families homeless; eviction of Palestinian residents of East Jerusalem, including by arbitrary revocation of their residency rights and obstruction of family unification efforts; expropriation of properties; excavations near and around holy and historic sites; closure of Palestinian institutions in the City; obstruction of freedom of worship; use of excessive force against worshippers on several occasions; and acts of terror, violence and incitement by Israeli settlers in the City. Such illegal and provocative measures, all intended to alter Jerusalem's demographic composition, legal status and distinctly Palestinian Arab character and identity and to sever it from the rest of the Palestinian Territory, have dramatically raised tensions and inflamed religious sensitivities, resulting in an extremely volatile situation in the City. The situation has been further aggravated by the enactment of an Israeli military order in April 2010, threatening the arbitrary arrest and deportation of thousands of Palestinian civilians from the West Bank and particularly from in and around East Jerusalem.

"As a result of Israel's settlement and Wall construction, Palestinian communities continue to be separated and isolated from each other, families continue to be displaced, and access and rights to education, health care, agricultural lands and livelihoods continue to be obstructed. Palestinian natural resources, especially land, water, and mining quarries, also continue to be

exploited and extensive environmental damage continues to be caused in the Territory. Palestinian civilians also continue to be the victims of settler terror and lawlessness, often upon incitement of Israeli officials and religious leaders. This has involved settler attacks against civilians, including children, resulting in deaths and injuries; attacks against homes and other properties, including the desecration of mosques and cemeteries; burning of farmlands and uprooting of trees and olive orchards; the unleashing of sewage on Palestinian villages and other acts of violence and intimidation. Such criminal acts by extremist, militant settlers continue to be perpetrated in full view and knowledge of the occupying forces, with rarely any accountability meted out. The occupying forces have also continued to use excessive force against and to arrest and intimidate Palestinian, Israeli and international activists engaging in non-violent, peaceful protest against the Wall and settlements.

"Official Israeli declarations regarding the construction of more illegal settlement units also continued to be made on a regular basis in defiance of the repeated international calls for Israel to cease immediately all of its settlement activities, including so-called 'natural growth' and including in East Jerusalem, and to abide by international law, United Nations resolutions and road map obligations. The most flagrant such declaration occurred in March 2010, when the Israeli Government announced approval for construction of yet another 1,600 settlement units in occupied East Jerusalem, within just days of the confirmation of Palestinian agreement to proceed with United States-mediated proximity talks despite strong reservations. Israel's announcement was met with broad international condemnation, including by the United States, and intensified calls for the immediate freeze of all settlement activities, including in East Jerusalem. Indeed, there is an international consensus regarding the illegality of Israel's settlement campaign under international law, particularly the Fourth Geneva Convention, Additional Protocol I and the Rome Statute of the International Criminal Court. Moreover, there is consensus that this illegal policy is severely undermining the Palestinian Territory's contiguity, unity and integrity, endangering the prospects for physical realization of the two-State solution and resumption of the peace process towards that end. It is also widely understood that the settlements' issue is not only a final status issue in the peace process, but is also at the crux of nearly all other final status issues, including Jerusalem, borders, water and security.

"Simultaneously, Israel persisted in the past year with its imposition of a total blockade on the Gaza Strip, deliberately imposed in collective punishment of the entire Palestinian civilian population in grave breach of the Fourth Geneva Convention. This has resulted in the violation of numerous human rights, including the rights to life, to food, to education, to health care, to water and to livelihood. Israel's blockade has gravely impacted the socio-economic living conditions of the civilian population in Gaza and has had a traumatic impact, especially affecting children, women and elderly persons, constituting a humanitarian crisis. This illegal, punitive Israeli blockade continues in flagrant violation of international humanitarian law, Security Council resolution 1860 (2009), the statement of 1 June 2010 by the President of the Security Council (S/PRST/2010/9), and the calls of the international community for its immediate lifting and the sustained and regular

opening of Gaza's border crossings in accordance with the law and the November 2005 Agreement on Movement and Access, as also called for in General Assembly resolution 64/19.

"At the time of writing of the present note, the Israeli blockade continues to be imposed despite the widespread international calls and the demands of the Palestinian leadership for a complete lifting of the blockade and despite indications from the Israeli Government that it may 'ease' it. As such, Israel continues obstructing free movement of persons and goods through Gaza's border crossings, humanitarian access, commercial and economic flows, and the normal functioning of the Palestinian society. Families, sick persons and students also continue to be denied passage through border crossings, resulting in the death of several more Palestinian civilians this year owing to lack of access to life-saving medical care unavailable in Gaza. Commerce, trade and economic recovery continue to be completely thwarted by this unjust blockade. As a result, abject poverty, food insecurity, and near-total aid dependency now affect more than 75 per cent of the population in Gaza, where unemployment has reached dramatic levels; malnutrition, stunted growth, anaemia and other diseases have risen to unprecedented levels, especially among children; and hopelessness is widespread, with far-reaching consequences for the Palestinian people and society at present and in the future.

"In this connection, Israel has also continued to deliberately prevent the reconstruction of Gaza following its devastating military aggression against Gaza in December 2008-January 2009, despite the affirmation by the Assembly of the urgent necessity for the advancement of reconstruction, including numerous suspended United Nations civilian infrastructure projects. As reconstruction continues to be inhumanely prevented, thousands of homes and refugee shelters remain in ruins. Moreover, damaged and destroyed civilian infrastructure, including water, sanitation and electricity networks, and roads, as well as hundreds of factories, workshops and industries, vital to the normal functioning of Gaza, remain in disrepair and non-operational owing to the continued prevention of entry of necessary construction and other essential supplies. Public services have also been crippled, including the education system and the health-care system, which continues to rapidly decline as a result of ongoing supply and fuel shortages and lack of construction and repair materials. Combined, it is evident that the Israeli blockade and military aggression have terrorized and traumatized the Palestinian civilian population in Gaza and inflicted severe socio-economic distress.

"During this year, Israel's continued imposition of the blockade also led to efforts by international peace and human rights activists to make several attempts to break the blockade and deliver urgent humanitarian assistance to the Palestinian civilian population, including via the sea. Israel has responded with typical force, arrogance and disregard for all norms and principles of international law, culminating in its attack on a humanitarian convoy of ships that was headed to the Gaza Strip on 31 May 2010 in international waters. This Israeli attack resulted in the killing of nine Turkish nationals that had been on board one of the ships and the injury of dozens of others, setting off yet another international crisis, escalating tensions and destabilizing the situation. We reiterate the necessity for a full, impartial, credible, transparent

international investigation conforming to international standards into that Israeli military attack and ensuring accountability for the perpetration of this crime.

"It is also imperative to recall the conclusions of the United Nations Fact-Finding Mission on the Gaza Conflict, led by South African Justice Richard Goldstone. As is widely known, the Mission's investigation, as presented in the 'Goldstone Report' (A/HRC/12/48), led to findings that clearly confirmed that Israel, the occupying Power, had committed serious human rights violations and grave breaches of international humanitarian law, including the Fourth Geneva Convention — amounting to war crimes and even crimes against humanity — during its December 2008-January 2009 military aggression against the Palestinian people in the Gaza Strip. That includes the wilful killing of civilians, torture and inhuman treatment, wilfully causing great suffering or serious injury to body or health, and extensive destruction of property not justified by military necessity and carried out unlawfully and wantonly. It was also concluded that the Israeli military campaign against Gaza was planned in all of its phases as a deliberately disproportionate and systematic attack aimed at punishing, humiliating and terrorizing the Palestinian civilian population, radically diminishing its domestic economic capacity to sustain itself and forcing upon it a heightened sense of dependency and vulnerability. This finding is reconfirmed by the depth of the suffering of the Palestinian people in Gaza to this day in all dimensions of life.

"In this regard, the Palestinian leadership and the international community as a whole have firmly called for accountability and justice to be served for the perpetration of these crimes by Israel, the occupying Power, against the Palestinian people. To that end, the General Assembly and the Human Rights Council have adopted important resolutions, namely, Assembly resolutions 64/10 and 64/254 and Council resolution S-12/1 and 13/9, calling, inter alia, upon the parties 'to conduct investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, towards ensuring accountability and justice'. Important follow-up also continues at various levels within the United Nations system and among the High Contracting Parties to the Fourth Geneva Convention. We stress the need to act, individually and collectively and with utmost urgency and responsibility, to bring an end to Israel's impunity, to uphold the rule of law and ensure respect for international humanitarian law and human rights, and to ensure accountability and justice, all of which are essential for tangibly changing the current deplorable, unsustainable reality and promoting the healing of the multiple layers of trauma inflicted on the Palestinian people.

"Throughout the reporting period, Israel, the occupying Power, also continued to carry out military raids and assaults in towns and cities in the West Bank. In these raids, the Israeli occupying forces continued to kill and injure Palestinian civilians and to use civilians as human shields, including children. The occupying forces also continued to arrest, detain and imprison civilians, adding to the over 10,000 Palestinians that continue to be held in Israeli jails and detention centres, including nearly 400 children and 100 women, the majority

held under inhumane conditions, subject to physical and mental abuse and torture. Such repeated, intentional, provocative Israeli actions have continuously stoked tensions and also undermined the efforts undertaken and tangible progress made over the past year by the Palestinian Authority in the security arena and the promotion of law and order in Palestinian cities in accordance with its road map obligations.

"Indeed, while Israel continues to flout United Nations resolutions and its legal obligations and commitments, the Palestinian leadership has consistently exerted efforts to advance implementation of the provisions of resolution 64/19 and all other relevant resolutions, aimed at achieving a peace settlement that brings an end to the oppression and occupation of the Palestinian people and enables realization of their inalienable rights, allowing them to live in dignity and freedom in their homeland. Our goal remains the achievement of the independence of the State of Palestine on the Palestinian Territory occupied since 1967, with East Jerusalem as its capital, and a just solution for the plight of the Palestine refugees that will bring an end to the tragedy and injustice inflicted on them over 62 years ago in Al-Nakba. The Palestinian leadership has thus repeatedly reaffirmed its full commitment to the two-State solution for peace, beginning with the Palestinian Declaration of Independence over 20 years ago and its consistent adherence to its Madrid, Oslo, Taba, Sharm el-Sheikh and Annapolis commitments and the Arab Peace Initiative and the Quartet road map.

"The Palestinian leadership has striven in all areas to uphold its obligations under international law, United Nations resolutions, previous agreements and the road map in both word and deed. It views with utmost seriousness the provisions of the Assembly's resolution on the 'Peaceful settlement of the question of Palestine' and fully respects the resolution. Moreover, it has sought to promote a positive environment for the resumption of peace negotiations and engaged in all such regional and international efforts, including at the United Nations, in good faith and in a spirit of historic compromise.

"At the same time, the Palestinian leadership has intensified all efforts, with the support of the international donor community, to develop and strengthen the institutions of the future Palestinian State, in accordance with the programme of the thirteenth Government of the Palestinian Authority, launched in August 2009 by Prime Minister Salam Fayyad: 'Palestine: Ending the Occupation, Establishing the State', also known as the 'State-building plan' or the 'Fayyad plan'. As noted above, the Palestinian Authority has also made extensive, well-documented progress in fulfilment of its obligations regarding promotion of security and law and order. At the same time, the Palestinian leadership has continued to seek, with the support of Egypt, the League of Arab States and countries in the region, to promote national dialogue for the attainment of national reconciliation and unity, convinced that they are essential for advancing the just cause of Palestine. All of this has been done in spite of persistent Israeli violations, challenges and provocations, which have only undermined all of the above efforts, in breach of its legal obligations and commitments and in contradiction of the goals and spirit of the peace process.

"Throughout the year, the Palestinian leadership, including at the highest levels of President Mahmoud Abbas, Prime Minister Salam Fayyad, and ministerial and ambassadorial representation, also maintained constant contact with their counterparts bilaterally and multilaterally, focused on bringing an end to the Israeli occupation that began in 1967 and achieving a peaceful settlement based on the two-State solution. In this regard, at the United Nations, Palestine remained active and engaged in the work of the major United Nations organs and repeatedly conveyed correspondence to and held meetings with the Secretary-General, the President of the General Assembly, the President and members of the Security Council, the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, the Commissioner-General of UNRWA, and other high-level United Nations officials.

"The Palestinian leadership's efforts have also included, inter alia, participation in the general debate of the sixty-fourth session of the General Assembly and in the meetings held on the margins of that debate, and participation in several United Nations conferences during the year at the ministerial and senior official levels, including meetings organized by the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People such as the International Meeting in Support of Israeli-Palestinian Peace: the urgency of addressing the permanent status issues — borders, Jerusalem, settlements, refugees and water (Malta, February 2010); the United Nations Seminar on Assistance to the Palestinian People: building institutions and moving forward with establishing the State of Palestine (Austria, March 2010); the United Nations International Meeting in Support of the Israeli-Palestinian Peace Process: ending the occupation and establishing the Palestinian State (Turkey, May 2010); and the upcoming United Nations African Meeting on the Question of Palestine: strengthening support by African States for a just and lasting solution of the question of Jerusalem (Morocco, July 2010). All of these efforts have, inter alia, aimed at keeping the United Nations system abreast of the reality and developments on the ground in the Occupied Palestinian Territory, including East Jerusalem; raising awareness of the Palestinian leadership's positions and efforts; coordinating and facilitating United Nations assistance programmes to the Palestinian people, and promoting a resumption of the peace process.

"The Palestinian leadership has also actively engaged in this regard bilaterally with Member States from all regions, Arab, Asian, African, European, Latin American and North American countries, as well as multilaterally through regional and political groups such as the League of Arab States, the Non-Aligned Movement (NAM) and the Organization of the Islamic Conference (OIC), to mobilize and enhance support for the Palestinian people and a just peace settlement. In all such meetings and outreach efforts, whether diplomatic, public or in the media, the Palestinian leadership's participation has always reflected and reaffirmed the consistent, responsible position in support of the two-State solution and unwavering respect for international law and United Nations resolutions and commitment to peace. In this regard, we deeply appreciate efforts in the region and throughout the international community, including efforts by the United States Administration

under President Barack Obama and by his Special Envoy, George Mitchell, to revive the peace process and advance a solution.

"At the same time, as noted above, despite serious Israeli obstructions, Palestinian State-building efforts continue apace in implementation of the comprehensive plan launched in August 2009 for developing national institutions and strengthening the foundations of the State of Palestine, in preparation for independence within a 24-month period. The plan seeks to involve all sectors and segments of Palestinian society in the national drive to build our institutions in a manner that fosters development in all spheres, fosters democracy and ensures the provision of security and basic services to all citizens, while respecting their human rights and liberties. This plan has become a very important, positive, proactive component of the Palestinian efforts towards the achievement of our legitimate national aspirations and rights and of peace and justice, and it is widely supported by the Palestinian people. The General Assembly welcomed this plan in resolution 64/19, and the plan has received the support and endorsement of the Quartet (statement of 19 March 2010, Moscow), the European Union (8 December 2009, EU Council Conclusions on the Middle East Peace Process) and the international community as a whole. Palestine is proud and grateful for the international support for this plan, politically as well as economically through the generosity of donor countries.

"Furthermore, as part of our complete rejection of Israel's illegal colonization campaign in the Occupied Palestinian Territory, in line with international law and United Nations resolutions, the Palestinian leadership has initiated this year a boycott of all settlement products. The Palestinian market has regrettably been a captive market for the occupying Power for decades, and it has been decided by the leadership that this unjust situation should no longer continue. We fully reject the continued distribution and sale in our market of any goods manufactured or grown in the illegal Israeli settlements on confiscated Palestinian land and with our exploited natural resources. We believe that it is imperative that all means of support — whether direct or indirect, political or financial — for the illegal Israeli settlement campaign be ended immediately. In this connection, we reiterate our demand, on which there is international unanimity, for a complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, including so-called 'natural growth', and the dismantlement of all settlement 'outposts' erected since March 2001. This is vital to allow for the resumption of a credible, meaningful peace process, since colonization is totally contradictory to the objective of the peace process.

"It is the Palestinian leadership's strongest hope that the current United States-mediated proximity talks will succeed and that fundamental change will occur on the ground to enable the resumption of direct negotiations in the peace process to resolve all core final status issues without exception. For this to happen, Israel, the occupying Power, must cease all settlement and related illegal activities in the Occupied Palestinian Territory, including East Jerusalem, and end all other illegal policies, including its blockade of the Gaza Strip, and abide by its obligations under international law and United Nations resolutions. It is this that will create a real change in the situation, defusing

tensions, building confidence and trust, and allowing for progress towards a peaceful and lasting settlement.

"The international community, including the Security Council, must act swiftly upon the international consensus and momentum that exists with regard to the two-State solution to the Israeli-Palestinian conflict, as embodied in General Assembly resolution 64/19, in order to salvage the prospects for peace and stability in our region. In this regard, there is broad consensus that the achievement of a just, lasting and peaceful settlement constitutes a political, security, legal, human rights, humanitarian and moral imperative for the international community. Moreover, such a solution is vital for fulfilling the long-overdue international covenant to assist and enable the Palestinian people to exercise their inalienable human rights, including to self-determination.

"In this regard, continued declarations or mild appeals to Israel will no longer suffice. It is incumbent upon the international community to act decisively, guided by the rules and principles of international law and justice, the Charter and United Nations resolutions, including resolution 64/19, to tangibly advance the achievement of a just, lasting, comprehensive and peaceful settlement of the question of Palestine and the Arab-Israeli conflict as a whole. Israel cannot be allowed to continue acting above the law, defying the calls to end its violations, and making a mockery of the urgency of achieving a peaceful settlement and security and stability in our region and beyond. In this regard, Palestine has also continued to call for a reconvening of the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, as called for by relevant General Assembly and Human Rights Council resolutions, including in follow-up of the recommendations of the Goldstone Report. Palestine is cooperating with Switzerland to advance this effort and continues to urge the High Contracting Parties to reconvene the Conference towards ensuring respect and compliance by Israel with all of its legal obligations as an occupying Power under the Fourth Geneva Convention.

"In closing, we reaffirm the Palestinian leadership's commitment to a peace process based on relevant United Nations resolutions, including Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008), the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the road map. Moreover, we reaffirm the enduring resilience of the Palestinian people, in spite of the formidable challenges facing them, to realize their inalienable rights, including their rights to self-determination and to return, and to fulfil their legitimate national aspirations to live in peace, freedom, dignity and prosperity in their independent State of Palestine, with East Jerusalem as its capital, and in harmony with their neighbours."

II. Observations

6. During the reporting period, efforts intensified to achieve the peaceful settlement of the question of Palestine. Direct Israeli-Palestinian negotiations, discontinued in December 2008, were set to resume on 2 September 2010. On the

ground, unilateral actions and human rights violations continued to undermine diplomatic efforts. The situation in Gaza remained unsustainable, while the divide between Gaza and the West Bank continued to deepen.

7. On 21 September 2009, the President of the United States of America, Barack Obama, hosted the first meeting between Palestinian and Israeli leaders since 2008. On 23 September 2009, the President addressed the General Assembly (see A/64/PV.3) and presented his goal of urgently starting talks, without preconditions, on the key issues of security for Israelis and Palestinians, borders, refugees and Jerusalem. Since then, the United States Special Envoy, George Mitchell, has regularly visited the region in an effort to bring about a resumption of negotiations. The Middle East Quartet and I welcomed and supported this engagement throughout the reporting period.

8. However, there was an overall impasse in diplomatic efforts from November 2009 to January 2010. This reflected the frustrations and low confidence of the parties in the renewed process; disputes over the terms of reference for negotiations; continued creation of facts on the ground by Israel; tensions in Jerusalem and the West Bank; and continued violence and closure in Gaza.

9. In February 2010, Senator Mitchell proposed to the parties to facilitate proximity talks. Israel accepted this proposal. Affected by internal political challenges, the Palestinian side turned to the League of Arab States for backing, and subsequently agreed to the proximity talks. However, the announcement on 9 March of additional settlement construction in East Jerusalem, during a visit to Israel by Vice-President Joseph R. Biden of the United States, caused a major setback, and highlighted the problems created by Israel's continued policy of illegal settlement construction.

10. The Quartet Principals' meeting in Moscow on 19 March focused on efforts to overcome obstacles and move the process forward. The Quartet urged the parties to launch proximity talks and move to direct negotiations as soon as possible, which should lead to a negotiated settlement within 24 months that would end the occupation which began in 1967 and result in the emergence of an independent, democratic and viable Palestinian State living side by side in peace and security with Israel and its other neighbours. The parties were called upon to act in accordance with international law and the road map, and refrain from provocative actions and inflammatory rhetoric. The Quartet agreed to closely monitor developments and consider additional measures that might be necessary.

11. Directly from the Quartet meeting, I visited Israel and the Occupied Palestinian Territory on 20 and 21 March, where I urged the Israeli leadership to refrain from actions that could undermine trust and prevent the launch of the proximity talks. I urged the Palestinian Authority to enter the proximity talks and give this process a chance.

12. On 26 and 27 March, I attended the League of Arab States Summit in the Libyan Arab Jamahiriya, where I emphasized that the goal of the creation of an independent Palestinian State could be brought about only through a return to the negotiating table and testing the parties' commitments in that framework. I reiterated to President Mahmoud Abbas my own and the Quartet's support for the talks. The Arab leaders conditioned their support for Palestinian participation on the outcome of the efforts by the United States to create conditions conducive to the

success of the talks. However, tensions on the ground again delayed the start of the proximity talks.

13. On 1 May, the League of Arab States reaffirmed its support for the Palestinian participation in the proximity talks, but conditioned it to progress within four months. On 8 May, the Executive Committee of the Palestine Liberation Organization (PLO) agreed to enter the talks. President Obama reaffirmed that both parties would be held accountable for actions that would undermine trust during the talks. Senator Mitchell started shuttling between Ramallah and Jerusalem to build support for the start of direct negotiations, holding seven rounds of proximity talks in total.

14. On 6 July, following a meeting with Prime Minister Benjamin Netanyahu, President Obama expressed confidence in Israel's intentions to engage in negotiations on all core issues and hoped that direct negotiations would start within weeks. On 29 July, the Arab League lent its support to the Palestinians to enter direct negotiations at a point deemed appropriate by President Abbas.

15. On 20 August, the Quartet called on the parties to launch direct negotiations in Washington, D.C., on 2 September to resolve all final status issues. In parallel, the United States issued an invitation to the parties. Prime Minister Netanyahu and President Abbas responded positively. I welcomed this decision by the two leaders and called upon them to show leadership, courage and responsibility to realize the aspirations of their peoples. I stressed that this was an opportunity that must not be wasted.

16. The situation in occupied East Jerusalem remained tense and continued to impact the peace process. I have expressed concern at house demolitions and continued settlement construction in East Jerusalem. The reporting period witnessed disturbances in and around the Haram al-Sharif/Temple Mount compound and access restrictions for Muslim and Christian worshippers to holy sites. Reports of increased revocations of identity cards and the enactment of revised military orders on the expulsion of "infiltrators" contributed to the apprehension of the Palestinian residents of East Jerusalem. Archaeological excavations and tunnelling activities under Palestinian neighbourhoods continued and raised concerns among Palestinian residents. I appeal to all sides to exercise restraint. Jerusalem is a final status issue and a way should be found for the city to emerge as the capital of two States, with arrangements for the religious sites acceptable to all.

17. In June, expulsion orders were issued against four Palestinian legislators who were residents of Jerusalem, but had been members of the Hamas-affiliated Change and Reform bloc and imprisoned in 2006 for failing to meet the minimum loyalty criteria in Israel.

18. In the West Bank, the Palestinian Authority continued to implement a state-building agenda. Institutional reforms, improved security conditions and the resulting increased private sector confidence contributed to a solid economic recovery, evidenced by real GDP growth of 11.3 per cent in the West Bank in the first quarter of 2010. Most recently, the second Palestinian Investment Conference, held on 2 and 3 June in Bethlehem, attracted almost US$ 1 billion in pledged investments in Palestinian businesses.

19. The state-building agenda of the Palestinian Authority, under the leadership of Prime Minister Fayyad, is an important complement to a renewed political process.

It must be enabled and supported. I call on donors to provide timely assistance to sustain this agenda and also to fulfil their pledges made in Sharm el-Sheikh in March 2009. I also call on Israel to do more to ease restrictions on movement and take steps to facilitate economic growth in the West Bank. The current number of obstacles to movement is approximately 500, compared to 618 in August 2009. This is movement in the right direction, which has had a real positive impact on the lives of many Palestinians, but I strongly encourage the Government of Israel to build on these positive steps with more far-reaching measures.

20. As the Palestinian Authority makes progress in institution-building, it remains constrained by the occupation and settlement activity, which stifle space and opportunities of the Palestinian people. I welcomed as a step in the right direction the announcement by Israel, on 26 November 2009, of a 10-month restraint on new construction in settlements, which was aimed at encouraging direct Israeli-Palestinian negotiations. However, I also noted that this restraint policy fell short of Israel's commitments under the road map to freeze all settlement activity, including "natural growth", and to dismantle outposts erected since March 2001. Settlements are illegal, they cast doubt on the viability of the two-State solution and prejudice the final status issues.

21. I appreciate the continued efforts of the Quartet's Special Representative, Tony Blair, to support continued economic development in the Occupied Palestinian Territory. I encourage the parties to work with him to bring about transformative change on the ground.

22. Violence in the West Bank, including East Jerusalem, continued. The causes, among others, were Israeli security operations, mistrust between the communities, deep-rooted grievances, retaliation against Palestinians following the implementation of the settlement restraint, and unilateral acts deemed to be provocative. In total, 15 Palestinians were killed and 1,092 injured. Seven Israelis were killed, four of whom were killed on 31 August in an obvious attempt to undermine the launch of direct Israeli-Palestinian negotiations on 2 September 2010, which I condemned; Hamas claimed responsibility for this attack. During the reporting period, 205 Israelis were injured. There was a slight decrease of Israeli incursions and arrests in the West Bank; 247 settler attacks on Palestinians and their property, and 93 Palestinian attacks on settlers were recorded during the reporting period. I condemn all attacks that indiscriminately target civilians and I call for international humanitarian law to be upheld in all circumstances. I urge the parties to seek out those responsible for all such incidents and bring them to justice.

23. Both Israelis and Palestinians have legitimate security concerns. I believe that sustainable security will best be achieved by intensified cooperation, continued empowerment of the Palestinian Authority's security efforts and performance, further curtailment of Israel Defense Forces (IDF) incursions into Palestinian areas, full respect for legitimate non-violent protest, Israeli action to curb settler violence, Palestinian action against incitement, and progress in the political negotiations and economic development.

24. Although attempts at holding presidential, legislative and municipal elections did not materialize during the reporting period, I still hope that it will be possible in the near future to hold free and fair elections throughout the Occupied Palestinian Territory.

25. Contrary to the 9 July 2004 advisory opinion of the International Court of Justice, the barrier continues to deviate significantly from the 1967 Green Line into Occupied Palestinian Territory in the West Bank. It continues to restrict Palestinian access to East Jerusalem, key social services and agricultural land. In accordance with General Assembly resolution ES-10/17 of 15 December 2006, on 19 July I provided a progress report on the work of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory. Palestinian, Israeli and foreign protesters continued demonstrating against the barrier, mostly in Nil'in and Bil'in villages, and there have been clashes with Israeli security forces. I regret the detention of activists involved in peaceful protests.

26. The Gaza Strip remained subject to a regime of closures and under the de facto control of Hamas. Security Council resolution 1860 (2009) continued to provide a strategic framework for addressing this situation, but its key elements remained unfulfilled. The blockade on Gaza remained unacceptable and punished innocent civilians. I have consistently urged the Government of Israel to lift it, and I welcomed the measures announced by Israel in June and July to ease it. As efforts are made to relaunch a meaningful political process, the situation in Gaza cannot be left to further deteriorate. Israel's legitimate security concerns should also be addressed.

27. Addressing dire conditions of the civilian population in the Gaza Strip remained my priority during the reporting period. The United Nations engaged intensively with the Government of Israel, and within the Middle East Quartet, to promote reconstruction. On 21 March I visited Gaza, where I witnessed first-hand the immense reconstruction needs, the impact of the closure on the civilian population and the unsustainable nature of the situation there. The Quartet continued to reaffirm that the situation in Gaza was unsustainable, unacceptable, and not in the interests of any of those concerned. The Quartet called for a solution that would ensure the opening of the crossings to allow for the unimpeded flow of humanitarian aid, commercial goods and persons to and from Gaza, consistent with Security Council resolution 1860 (2009).

28. Since March, Israel approved 15 United Nations projects in housing, water, sanitation, education and health. These projects are an important step forward but represent only a fragment of the vast reconstruction needs in Gaza, which I personally witnessed during my visit in March. The implementation of the approved United Nations projects has, however, been slow, and we continue to advocate for lighter approval and coordination procedures to allow for rehabilitation and reconstruction at a more appropriate scale.

29. Food and medical supplies made up the bulk of imports allowed through the official crossings. But this situation changed dramatically after the 31 May "Gaza aid flotilla" incident; Israel announced measures to ease the blockade on 20 June. The weekly average of imported truckloads reached 1,006 in mid-August 2010, compared to 531 truckloads during the same period in 2009. Construction materials needed to rebuild homes and social infrastructure are allowed for projects implemented under the oversight of international organizations and approved by the Palestinian Authority and the Government of Israel. Exports, so needed for economic development, are not part of the new measures. Nor can construction materials be imported on a commercial basis, available to all. Nevertheless, the Quartet welcomed this announcement and expressed hope that this move would

contribute to the fulfilment of resolution 1860 (2009), including for the unimpeded flow of humanitarian aid, commercial goods and persons to and from Gaza. The United Nations and the Quartet are following closely the implementation of these measures, while exploring additional ways to improve the situation in Gaza.

30. I continued to be alarmed by reports of smuggling of weapons into Gaza during the reporting period. Increased-capability rockets have reportedly been test-fired from Gaza. In this regard, I note Egypt's intensified efforts to curtail smuggling through illegal tunnels. The tunnels also continued to be used to import most of the goods available on Gaza's markets. This both sustained and distorted the local economy.

31. The blockade continued to impede freedom of movement of Gazan civilians. Although passage to and from Egypt and Israel through the Rafah and Erez crossings has been significantly relaxed since June, the movement of people is still limited largely to medical cases, some students and humanitarian workers. In a positive development, the number of businessmen allowed to exit through the Erez crossing has steadily increased since June and reached 99 per week as at 31 August.

32. All crossings into Gaza should be urgently opened, consistent with the Agreement on Movement and Access. The longer-term consequences of the closure are deeply worrying, in terms of deteriorating public infrastructure, environmental degradation, destruction of livelihoods and psychological impact on a population half of whom are children.

33. The reporting period witnessed two attempts to break the Gaza blockade. The "Viva Palestina — Lifeline 3" convoy entered the Gaza Strip through Egypt in January, amid confrontations between Egyptian authorities, convoy activists, Gaza residents and Hamas militants, in which an Egyptian border guard was killed and dozens of protesters and Egyptian police were injured. On 31 May, a tragic incident took place during the takeover by the Israeli military of the *Mavi Marmara* vessel which was part of the "Gaza aid flotilla". I immediately condemned the acts, which resulted in the deaths of nine civilians and injuries to at least 30 others, including seven IDF soldiers. I called for a prompt, impartial, credible and transparent investigation.

34. During its emergency session immediately following this incident, the Security Council called for a prompt, impartial, credible and transparent investigation conforming to international standards (S/PRST/2010/9). On 2 August, I launched a panel of inquiry on the flotilla incident. The United Nations was also instrumental in ensuring that all supplies delivered by the flotilla reached their destination in Gaza, and closely monitored the repatriation of the flotilla passengers and vessels.

35. A Libyan-sponsored vessel, carrying aid for Gaza, arrived in an Egyptian port without incident on 15 July. Egypt facilitated the transfer of its humanitarian cargo to Gaza. There were reports of other ships intending to sail towards Gaza. I continued to believe that only properly functioning open land crossings could make a strategic difference in reviving the economy in the Gaza Strip.

36. Turning to internal dynamics in the Gaza Strip, Hamas continued to strengthen control, thus further deepening the rift with the West Bank. There were reports of increasing human rights abuses and political arrests. On 15 April, Hamas illegally and unacceptably executed prisoners without proper and transparent trial. I called on Hamas not to carry out such executions. International and civil society organizations in Gaza have faced increasing pressure. In May and June, acts of vandalism were

committed against the summer camps of the United Nations Relief and Works Agency, which I condemned in the strongest terms. I insist on non-interference with international aid operations in Gaza.

37. Hamas continued to refuse the proposal for Palestinian reconciliation mediated by Egypt and presented to the parties on 10 September. Although the reporting period witnessed practical efforts at cooperation and goodwill gestures by Hamas and the Palestinian Authority, stalemate continued. I stress that Palestinian unity is a key component to finding a sustainable solution to the crisis in Gaza. I reiterate my call for the reunification of Gaza and the West Bank on the basis of the PLO principles and under the legitimate Palestinian Authority, and urge all factions to engage positively in dialogue. I support Egypt's efforts in this regard.

38. A fragile calm between Israel and Hamas prevailed during the reporting period. However, violent incidents continued: 147 rockets and 115 mortars were fired from Gaza; there were 173 IDF incursions and 100 air strikes; 56 Palestinians were killed, including 5 children and 39 militants; and 169 Palestinians were injured, including 40 militants. Meanwhile, a foreign worker in Israel was killed, as well as five Israeli soldiers. Five Israeli soldiers were injured. On 30 July, a rocket hit inside the town of Ashkelon in southern Israel, the first such attack since Operation Cast Lead. I urge all parties to refrain from violence and to respect international humanitarian law.

39. Israeli Staff Sergeant Gilad Shalit remains in Hamas captivity, now for over four years. I call for his immediate and unconditional release and humanitarian access to him. I also note the deteriorating living conditions for the approximately 9,000 Palestinian prisoners in Israeli jails, down from 11,000 a year ago. In October, Israel released 20 Palestinian female detainees after Hamas presented, through a German mediator, a video clip showing Shalit in good health. I welcomed these developments, and call for the completion of a prisoner exchange agreement and the release of Palestinian prisoners to the Palestinian Authority.

40. The Fact-Finding Mission on the Gaza Conflict mandated by the Human Rights Council and headed by Justice Richard Goldstone released its report on 25 September 2009 (A/HRC/12/48). The report made a number of recommendations for ensuring accountability for perpetrators and redress for victims. International humanitarian law, justice and accountability must be fully respected and civilians must be protected in all circumstances. I therefore called upon all parties to carry out credible domestic investigations without delay. The General Assembly and its Human Rights Council continued to follow the implementation of the recommendations of the Fact-Finding Mission. I will continue to support their work in this regard.

41. On 15 January, an arrangement was concluded whereby the Government of Israel made a payment of US$ 10.5 million to the United Nations in respect of losses sustained in the nine incidents investigated by the Gaza Board of Inquiry. In the light of this payment, the United Nations has agreed that the financial issues relating to those incidents have been brought to a satisfactory conclusion.

42. I would like to record my deep appreciation to Robert H. Serry, the United Nations Special Coordinator for the Middle East Peace Process, as well as to the Commissioner-General of UNRWA, Filippo Grandi, whom I appointed on 20 January. He replaced Karen Koning AbuZayd, whom I thank for her outstanding

performance. I express my appreciation to all United Nations staff who provide indispensable services under difficult and sometimes dangerous circumstances. National and international staff have faced growing restrictions as concerns their free movement and access in the service of the United Nations. I have repeatedly protested these restrictions to the Government of Israel and look forward to improvements in this regard.

43. I remain convinced that direct and meaningful negotiations are the only avenue towards a comprehensive and sustainable solution that fulfils the aspirations of the Israeli and the Palestinian peoples. In the days ahead, we must make sufficient progress at the negotiating table and on the ground to enable a move towards an agreement on all core issues of the conflict. The commitments of both Israeli and Palestinian leaders will be tested during direct negotiations. I call upon the parties to seize this opportunity and show leadership, courage and responsibility to arrive at a final status agreement within one year. For these negotiations to have a chance of success, a conducive environment on the ground will be crucial, in line with the parties' respective road map commitments and international legal obligations. I urge Israel to extend its moratorium on settlement construction in the West Bank past its 30 September 2010 deadline, and to expand its scope to East Jerusalem. I call on the Palestinians to continue maintaining law and order, fighting extremism and incitement against Israel, and building strong and democratic institutions. I call on regional and international partners to lend their support to these negotiations, and look forward to their success.

44. As Secretary-General, I will continue to ensure that the United Nations works towards the creation of an independent, democratic, contiguous and viable Palestinian State living side by side in peace with a secure Israel in the framework of a comprehensive regional settlement consistent with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1860 (2009), and in accordance with the road map, the Arab Peace Initiative and the principle of land for peace.